

REMARKS/ARGUMENTS

Claims 1-10 and 14-16 stand in the present application. Reconsideration and favorable action is respectfully requested in view of the following remarks.

In the Office Action, the Examiner has objected to claims 1-4 and 14-16 stating that the conjunction "and" should be repositioned in the independent claims. It is respectfully submitted that the claims do not suffer the deficiency pointed out by the Examiner. More particularly, the claims recite specific elements the last of which is appended by the conjunction "and." Thereafter the independent claims include "wherein" clauses. Since the "wherein" clauses do not constitute distinct and separate elements of the claims, they should not be introduced by the conjunction "and." Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection to the claims.

The Examiner has rejected claims 1-10 and 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Zisapel et al. ("Zisapel") in view of Apostolopoulos et al. ("Apostolopoulos") and further in view of Mizuno. Applicant respectfully traverses the Examiner's § 103 rejection of the claims.

The present claims require that the various data streams run simultaneously such that the overall data rate at the receiver is an aggregate of those transmitted. Apostolopoulos mentions, in passing, that simultaneous transmission is possible, but it is clear that the aim of his system is to obtain not an aggregate ($N_1 + N_2 + N_3 + \dots + N_n$) but an average $(N_1 + N_2 + N_3 + \dots + N_n)/n$. See, for example, column 4 lines 34 - 49, and column 13, line 14. The specification describes the assignment to

paths being sequential (column 6, lines 58-64), and using path-hopping diversity (column 6 lines 33-47).

Apostolopoulos' object is robustness rather than speed (e.g., column 2 lines 13-16, column 9 lines 35-40). In contrast, the present invention is particularly concerned with improving the bit rate beyond that possible over a single link. There is no suggestion in Apostolopoulos that bandwidth constraints would have prevented a single one of the links delivering data at the rate required. Thus although Apostolopoulos clearly delivers the aggregate of the rates carried over the individual links, it is not delivering the aggregate of the rates available to each individual address, which is required by the present claims.

Moreover, in Apostolopoulos the splitting and combining of data streams happens in the network. See path diversity mechanism 134 (Figure 1) and the path-splitting and path-combining nodes 502, 504 (Figure 5). The present invention requires that the path diversity is controlled, not in the network, but in the end-users' equipments. See present claims. This puts the control of the system with the user, rather than in the network, allowing the user to decide whether to pay for several network connections to obtain the extra speed available by accessing the same database over a plurality of paths. None of the references disclose the extension of path diversity beyond the network into the applications run on the user terminal.

More particularly, combining the disclosures of Zisapel and Apostolopoulos could result in a system in which data (generated, e.g., by Zisapel's system) might be fed to a network which transmits the data using route diversity to a destination terminal. There

is no suggestion in either reference, however, that diversity can be extended into and even beyond the network into the user-controlled applications at either end.

Mizuno is concerned with routing of data requests from a host computer 401 to a storage system 450, the router 402 being arranged to selectively route each request through one of several channel controllers 403-410, each having their own address, in order to balance loadings. This therefore provides multiple routes between the router 402 and the storage system 470. This is provided to allow parallel access to the database by multiple users – there is no suggestion of breaking a data transmission into separate elements and transmitting them over multiple paths to the same user terminal destination, nor yet of extending diversity into the user terminal.

In short, it is respectfully submitted that even if one were inspired to consider looking at these three particular references in the first place, it would require a significant leap of the imagination to get from their combined disclosure to the present invention. There is no particular reason to consider combining their disclosures, and even if one were inspired to do so, significant elements of the claims are in any case not disclosed in any of them.

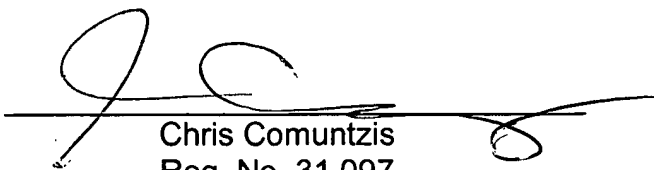
Therefore, in view of the above remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-10 and 14-16, standing therein, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

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Respectfully submitted,

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